



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 22, 2007

The Honorable Robert L. Theberge, Chairman
Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, New Hampshire 03301

Re: HB 457, relative to allowing municipalities to restrict lawn watering during declared droughts

Dear Chairman Theberge:

Thank you for the opportunity to comment on HB 457, which would enable municipalities to adopt bylaws that regulate residential lawn watering when the state or federal government has declared a drought condition. The Department of Environmental Services (DES) supports this bill.

In New Hampshire, drought declarations most recently occurred during parts of 2001 and 2002. During this period, concerns were raised by municipalities that, while individual home wells were routinely being reported to run dry possibly due to excessive water use in some areas, no authority existed for municipalities to implement effective measures to reduce discretionary water use by residential wells. This issue was raised with the Commission to Study Issues Relative to Groundwater Withdrawals, which was established by Senate Bill 155 of the 2003 legislative session to assess how New Hampshire can improve the management of groundwater resources. Based on its evaluation, the Commission recommended that municipalities be provided with authority to implement by-laws to regulate residential lawn watering during drought conditions to prevent water supply emergencies. HB 457 provides this authority with the flexibility for municipalities to decide exactly what type of restrictions should be implemented in a specific community.

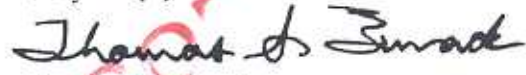
HB 457 bill also proposes to rely on the state and federal government designations of drought as the trigger for restrictions. During dry weather conditions, DES convenes the New Hampshire Drought Management Team (DMT), which includes state officials and other stakeholders, to assess the status of droughts in each county, announce its conclusions, and recommend appropriate actions. The DMT relies upon criteria and procedures set forth in the New Hampshire Drought Management Plan to establish the magnitude of drought conditions and possible actions. Variables considered to establish drought severity include precipitation, groundwater levels, surface water levels, stream flow, fire hazard risk and other physical observations reported by state agencies. Federal agencies also maintain a national drought monitoring program using similar criteria and methodologies that is also considered. Based on past experience, this system has worked well in New Hampshire and is an appropriate

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mechanism for municipalities to consider in deciding whether outdoor water use restrictions should occur in sensitive areas.

Thank you for this opportunity to comment on this bill. Please feel free to call me at 271-3503, or Brandon Kernen at 271-0660, if you have any questions or need additional information.

Very truly yours,



Thomas S. Burack
Commissioner

cc: Representatives Fargo, Foose, and Weed
Senator Fuller Clark and Cilley